

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.878 OF 2015

Seth Meghji Vallabhdas Charity Trust and Ors.	..	Petitioners
Versus		
State of Maharashtra & Anr.	..	Respondents

WITH

CHAMBER SUMMONS NO.201 OF 2015
IN
WRIT PETITION NO.878 OF 2015

Jayshree Kabali	..	Applicant
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IN THE MATTER BETWEEN:

Seth Meghji Vallabhdas Charity Trust and Ors.	..	Petitioners
Versus		
State of Maharashtra & Anr.	..	Respondents

WITH

CHAMBER SUMMONS NO.193 OF 2015
IN
WRIT PETITION NO.878 OF 2015

Pranav Vijaykumar Kabali	..	Applicant
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IN THE MATTER BETWEEN:

Seth Meghji Vallabhdas Charity Trust and Ors.	..	Petitioners
Versus		
State of Maharashtra & Anr.	..	Respondents

WITH
NOTICE OF MOTION NO.209 OF 2015
IN
WRIT PETITION NO.878 OF 2015

Seth Meghji Vallabhdas Charity Trust & Anr. .. Applicants

IN THE MATTER BETWEEN:

Seth Meghji Vallabhdas Charity Trust
and Ors. .. Petitioners

Versus

State of Maharashtra & Anr. .. Respondents

Mr. Rajesh Jain with Mr. Ameya Mahajan i/b. M/s. Legal Juris for
petitioners/ applicants in Notice of Motion No.209 of 2015

Mr. Umashankar Upadhyay, AGP for State

Mr. Amardev J. Uniyal for intervenor/applicant in Chamber
Summons No.193 of 2015

Mr. Dharendra Sinha with Mr. Jayesh Rathod i/b. Dhiren Shah for
applicant/ intervenor in Chamber Summons No.201 of 2015

CORAM : B.R.GAVAI &
RIYAZ I. CHAGLA, JJ.

DATE : 3rd July 2017.

P.C.

1] The present petition has been filed by the petitioner seeking transfer of various proceedings pertaining to Seth Meghji Vallabhdas Charitable Trust. Two chamber summonses are filed by the applicants therein, contending that they are the interested

parties and as such they should be impleaded as party respondents to the petition. The chamber summonses are vehemently opposed by the learned Counsel for the petitioner on the ground that they are not necessary parties. Learned Counsel for the petitioner has relied upon a judgement of Apex Court in support of his submission in the case of **J.J. Lal Pvt. Ltd. & Ors. Vs. M.R.Murali & Anr., reported in (2002) 3 S.C.C. 98.**

2] However, since we find that the petition deserves to be dismissed on other grounds, it is not necessary for us to deal with the chamber summonses. The petitioner by way of present petition seeks transfer of proceedings from the office of Charity Commissioner to some other Judicial Officer of equivalent status. It is the contention of the petitioner that the entire Presiding Officers in the office of Charity Commissioner are prejudiced against the petitioner No.1 and as such it is appropriate that the proceedings are transferred to some other Judicial Officer of equivalent status. Learned Counsel for petitioner has also relied upon the order of learned Single Judge of this Court dated 20th March 2017 in W.P.No.18988 of 2013.

3] The office of Charity Commissioner is established under the provisions of Maharashtra Public Trust Act 1960. The office of the Charity Commissioner at Mumbai is headed by the Charity Commissioner himself whereas the offices at other divisional places are headed by the Joint Charity Commissioners. We are informed at the bar that there are about 12 Presiding Officers at Mumbai, including Charity Commissioner, Joint Charity Commissioner, Deputy Charity Commissioner and the Assistant Charity Commissioners.

4] It may not be out of place to mention herein that many of the Presiding Offices are the Judicial Officers. The post of Charity Commissioner is headed by the Judicial Officer who is in the rank of Senior Principal District Judge. Whereas, the Joint Charity Commissioners are in the rank of District Judges. Some of the Deputy Charity Commissioners are deputed from the cadre of Civil Judge, Senior Division whereas the Assistant Charity Commissioners are deputed from the cadre of Civil Judge, Junior Division.

5] We can understand if the petitioner has an apprehension of bias with regard to a particular Judicial Officer. However, we find that the apprehension that the entire Charity Commissioner's office including the Charity Commissioner, Joint Charity Commissioner, Deputy Charity Commissioner are all biased against the petitioner Trust is imagination of wild mind. We find that making such sort of serious allegations against the entire Charity Commissioner's office is a very serious matter and casting aspersions about the integrity of entire Judicial Officers working therein is without any basis.

6] Insofar as the order passed by the learned Single Judge of this Court in W.P.No.10988 of 2013 dated 20th March 2017 is concerned, the said order rather than supporting the apprehension of the petitioner would show that that the apprehension expressed by the petitioner is without any substance. A perusal of the said order would reveal that the Charity Commissioner had entrusted enquiry to the one Joint Commissioner viz., Mrs. Kolhe. The said Joint Commissioner has found substance in the allegations made against one of the Assistant Charity Commissioner Mr. Shingne. If

the entire Presiding Officers in the office of Charity Commissioner would have had bias against the petitioner Trust, there is no reason as to why the Joint Charity Commissioner would have given her report against one of her own colleague.

7] In that view of the matter, we find that the petition is without any merit and liable to be dismissed. The same is rejected.

(RIYAZ I. CHAGLA, J)

(B.R.GAVAI, J.)